

REMARKS

Claims 1, 4-11, 13-20 and 22-29 are pending in the application, of which, claims 1, 11 and 26 are independent. Claims 1, 11 and 26 are being amended. No new matter is introduced.

Examiner Interview

Applicants thank the Examiner for courtesies extended to Applicants during the Examiner's interview with applicants' representative, which took place on February 11, 2008. During the aforesaid interview, the Examiner has indicated that the foregoing claim amendments overcome the cited art. However, no agreement was reached.

Claim Rejections – 35 USC § 102

Claims 1, 3-4, 9-11, 13, 18-20 and 22-27 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Pinard U.S. Patent 5,898,432. Applicants respectfully traverse this rejection in view of Applicant's amendments to the claim and further in view of the following arguments.

Claim 1

Claim 1 is amended to include "dynamically changing the human sensible attribute of the least one representation element responsive to dynamic changes in the at least one activity stream." Support for these amendments may be found throughout the specification and drawings and, for example, in paragraphs [0033] to [0035] and [0042] of the printed patent application publication 20020116516.

Pinard teaches a static icon that appears at the location of the cursor. “[T]he cursor itself changes to an icon or to include an icon related to the function.” (Pinard, col. 3, lines 57-60.) The shape of the icon is fixed whether it replaces the cursor or whether it is shown adjacent an edge of the monitor. “The changed cursor can be displayed for a predetermined period of time, after which it can change to its normal form for the program in process, and/or a fixed icon displayed adjacent an edge or corner of the display.” (Pinard, col. 4, lines 32-35.) The icon goes away either after it times-out, after the user strikes a key on the keyboard (col. 4, lines 42-43) or after the user answers the call or prints the fax (col. 4, lines 50-52.) In that sense, the icon of Pinard is either there or not.

Accordingly Pinard does not teach or suggest “dynamically changing the ... element responsive to dynamic changes in the ... activity stream” of claim 1.

Accordingly, Applicants respectfully submit that claim 1 is patentable over Pinard.

Claim 11

Claim 11 is amended to include “a user interface operable to present the synthesized human sensible attribute to the user using a selected at least one representation element and operable to dynamically change the human sensible attribute of the selected at least one representation element responsive to dynamic changes in the activity stream.” (Emphasis added.) Support for these amendments may be found throughout the specification and drawings.

Applicants submit that the above patentability argument made by Applicants with respect to the amended claim 1 equally apply to claim 11 and that Pinard does not teach or suggest

“dynamically change the human sensible attribute ... responsive to dynamic changes in the activity stream” of claim 11. Accordingly, claim 11 is believed to be patentable over Pinard.

Claim 26

Claim 26 is amended to include “dynamically changing the human sensible attributes responsive to the dynamic change in the activity stream.” (Emphasis added.) Support for these amendments may be found throughout the specification and drawings.

Applicants submit that the above patentability argument made by Applicants with respect to the amended claim 1 equally apply to claim 26 and that Pinard does not teach or suggest claim 26 as amended and, therefore, claim 26 is believed to be patentable over Pinard.

Withdrawal of the rejections and allowance of claims 1, 11 and 26 are requested.

Dependent Claims 3-4, 9-10, 13, 18-20 and 22-25 and 27

Claims 3-4, 9-10, 13, 18-20 and 22-25 and 27 depend from independent claims 1, 11 and 26. While continuing to respectfully traverse the Examiner’s characterization of the teachings of Pinard used by the Examiner in rejecting these claims, Applicants respectfully submit that the rejection of claims 3-4, 9-10, 13, 18-20 and 22-25 and 27 is rendered moot by the present amendment of the parent claims 1, 11 and 26 and that these claims are patentable by definition, at least by virtue of their dependence on the patentable amended claims 1, 11 and 26. Thus, withdrawal of the rejections and allowance of these claims are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 5-8 and 14-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pinard U.S. Patent 5,898,432 as applied to claims 1 and 11 above and Tavori U.S. Patent 5,724,025. In response, Applicants respectfully traverse this rejection in view of the Applicants' amendments to the parent claims 1 and 11 and further in view of the following arguments.

The Office Action cites Tavori for the alleged teaching of a computer with a graphical display and for the alleged teaching that the human-sensible attribute is synthesized based on a selected range. (Office Action, pp. 6-7.) In Tavori, like in Pinard, teaches "upper [and] lower limit set points, which, when exceeded either instantaneously or integrally, an alarm is set off to indicate to the user or nearby personnel that professional medical attention is to be sought." (Tavori, col. 3, lines 1-5.) As such, Tavori does not cure the deficiencies of Pinard that have been identified with reference to independent claims 1, 11 and 26.

Accordingly, the amended claims 1 and 11 are believed to be patentable over the combination of Pinard and Tavori.


Moreover, with respect to claims 5-8 and 4-17, while continuing to respectfully traverse the Examiner's characterization of the teachings of Pinard used by the Examiner in rejecting those claims, Applicants respectfully submit that the rejection of claims 5-8 and 4-17 is rendered moot by the present amendment of the parent claims 1 and 11 and that these claims are patentable by definition, at least by virtue of their dependence on the patentable amended claims 1 and 11. Thus, withdrawal of the rejections and allowance of these claims are respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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